



CITY OF ATLANTA 2019 PUBLIC VENDING PROGRAM APPLICATION PACKET: KIOSKS

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Public Vending Permit Process

Chapter 30, Article XXIII (23) of the City of Atlanta Code of Ordinances provides for vending in approved locations within the public right of way. Operating a vending cart or vending from a kiosk requires a permit from the City of Atlanta, and it is unlawful to sell any goods or services on any public sidewalk or in any kiosk without a permit. Each individual location requires a separate permit.

To receive a Public Vending Permit, prospective vendors must do the following*:

- STEP 1:** Prospective vendors must register for the Public Vending Program Lottery scheduled for March 15, 2019. Registration at www.atlantaga.gov/vending.
- STEP 2:** Lottery winners (Applicants) must complete a **Public Vending Permit Application**. *Only vendors awarded locations through the City's Public Vending Program Lottery may submit a Public Vending Permit Application. Applications must be submitted within 30 days from award.*
- STEP 3:** Applicants must get a "Location Verification Form" from the Economic Development Division (vending@atlantaga.gov) to include with the application submission that confirms approval of the specific location and for cart vendors, approval of the cart specifications.
- STEP 4:** Applicants must submit a complete application packet and fees to the Office of Revenue, located in City Hall, Suite 1350 (first floor), 55 Trinity Avenue, SW, Atlanta, GA 30303.
- STEP 5:** Applicants then take the payment receipt to Atlanta Police Department (APD), License & Permit Unit, located at 3493 Donald Lee Hollowell Pkwy, NW, Atlanta, GA 30331, for fingerprinting and background check. Upon background clearance, APD will issue the vendor a "Vendor Permit Card."
- STEP 6:** Applicants then return to Office of Revenue with "Vendor Permit Card" to complete the application process by applying for a Business License. *A separate Business License is required for each individual vending location.*

Vending Permit Fees

Criminal background check fee: **\$50/year**

Fingerprint fee: **\$20**

Finger printing fees are only required at time of original submission; not required for renewal process.

Permit application fee for vending from an approved cart or kiosk: **\$75/year**

Maintenance fee for vending from a City of Atlanta kiosk: **\$2,500/year**

Only those businesses vending out of a City-owned kiosk are subject to maintenance fees in addition to fees associated with permit application, background check and finger printing.

All fees, including permit, criminal background check, fingerprinting, and maintenance fees, must be paid in full at the time an application is submitted. Payment may be made by money order, certified bank check, any major credit card (Visa, MC, Amex, Discover), or cash. No personal or business checks will be accepted. All application fees – including background check and fingerprinting – are non-refundable. The maintenance fee is refundable if the permit is not ultimately issued.

The vending permit year runs from March 1st until February 28th. Permits issued after March 1st, due to the lottery process, still must be renewed by March 1st the following year. Application fees are not prorated.

Renewal applicants must:

1. Renew the Business License by February 15th (which can be done online) and
2. Renew permit by re-submitting the application and paying the associated application fees (\$125) and maintenance fee for kiosk vendors (\$2500).
3. Complete a background check with APD and get a new Vendor Permit Card.

All associated fees reflect the charge per application. If you are applying for more than one location, separate applications and associated payments must be filed.

Per City ordinance, disabled veterans and blind persons are exempt from paying permit application fees. This does not include maintenance fees for kiosk vendors. Disabled veterans must provide a certificate of exemption issued by the Commissioner of Veteran Services. A Blind person/Visual Impaired Person must submit an Awards Letter or Benefits Letter as proof.

STEP 1: Public Vending Program Lottery - Obtaining Approval to Apply for a Vending Permit

For all vendors interested in obtaining a Public Vending Permit:

The City of Atlanta will issue permits for available kiosk and cart locations through a lottery process. There will be a separate drawing for each location. The purpose of the lottery system is to create an equitable process for assigning locations to vendors. The process for requesting a location is as follows:

1. Once locations are deemed available at the end of a permit year, the Economic Development Division will **announce the lottery date and available locations**. The Economic Development Division will maintain a Vendor Notification List and will announce to the list and publicly through the website. Vendors can request to be added to the Vendor Notification List by calling 404-330-6121 or by emailing vending@atlantaga.gov.
2. Lottery registration will open at least four (4) weeks prior to the lottery. **A list of currently available locations and lottery registration will be available on the website at www.atlantaga.gov/vending or by contacting vending@atlantaga.gov.**
3. The deadline for registering for the lottery is **March 1, 2018**. **Vendors who do not register before the deadline will not be able to participate.**
4. An objective third party organization will conduct the lotteries for each individual location, choosing one vendor at random out of the list of vendors that have registered and shown up in person on the day of the lottery. **The vendor must be present or have an approved designee on site for selection.** A designee must have a signed letter or email from the vendor to demonstrate approval as the designee and must be able to make decisions on behalf of the vendor. There will be no time allocated to call the vendor and determine the preferred site selection.
5. On the date of the lottery, there will be a separate drawing held for each of the available sites. Using a random number generation methodology, a vendor and 5 alternates will be chosen for each lottery location.

Note: *Once a vendor has been awarded a max of 10% of the available vending locations, that vendor will be removed from the lottery process for remaining sites.*

6. At the end of the lottery, each site will have been assigned a winner and alternates. Vendors awarded locations will begin the application process and will be granted the site after the application process has been completed and the permit and business license has been issued. **If a vendor does not submit the application within a 30-day period, the vendor will lose rights to vend from that location** and the location will be offered to the next alternate vendor on the list.

Note: *Under no circumstances can a vendor sell, lease or transfer an awarded location or vendor permit.*

7. The lottery will be held on an annual basis to release any available locations including newly added locations and locations not renewed by prior vendors.
8. Permits must be **renewed annually**.

STEP 2: Complete Public Vending Permit Application - Application Requirements

Chapter 30, Article XXIII (23) of the City of Atlanta Code of Ordinances requires that the following materials must be submitted as a part of the Vending Permit application process.

- Applicant's name and current address
- Applicant's previous addresses within the last five years
- Social security number
- Valid Vending location designated pursuant to Sec. 30-1427 of the Atlanta Code of Ordinances
- The exact times during which the Vendor intends to vend on the proposed property
- GDOR retail identification tax number (Sales Tax ID number)
- State issued picture identification
- Description of the items permissible for sale to be sold or offered for sale at vending location
- Valid licensing agreement authorizing the Vendor to engage in sales of licensed branded merchandise (*if applicable*)

The application must be submitted to the Office of Revenue within thirty (30) days from the date of award. Failure to submit the application within 30 days will result in automatic dismissal of the application.

STEP 3: Economic Development Division Review

Following the Lottery and review of cart specs and a site plan, the Economic Development Division will issue a "Location Verification Form" that confirms approval of the location and cart for each vendor. See Appendix A for specific cart requirements and resources.

Questions regarding cart specifications prior to the lottery can be sent to vending@atlantaga.gov. Food vendors must meet the cart requirements of the Fulton County Health Department prior to the City's design review.

STEP 4: Application & Fee Submission to Office of Revenue

Submit to the Office of Revenue:

1. The completed application
2. Supplemental application materials: State identification, Location Verification Form, Fulton County Health Department Approval (Food Vendors ONLY), Drawings & Site Plan (Cart Vendors ONLY), Licensing Agreement (if applicable).
3. Fee payment: First Time (\$75 + \$50 + \$20) = \$145; Renewals (\$75 + \$50) = \$125; Additional \$2500 for Kiosk Vendors.

The Office of Revenue will review to make sure application is complete with all necessary approvals and provide a copy of application and payment receipt.

STEP 5: Background Check & Fingerprinting at APD

Take payment receipt to Atlanta Police Department, License & Permit Unit for background check and fingerprinting. This process should be completed on the spot. Upon successful completion of the background check, APD will issue a Vendor Permit Card to vendor. THE VENDOR PERMIT CARD IS NOT VALID WITHOUT BUSINESS LICENSE.

STEP 6: Complete Process with Business License at Revenue

To complete the process, applicant must take Vendor Permit Card back to the Office of Revenue to apply for a Business License. This final step must be completed within 30 days of spot award or the applicant will forgo the spot and it will be awarded to the next alternate vendor. The [business license application](#) and required documents must be submitted in person the first time but can be renewed online in subsequent years. The application fee for a Business License is \$125.

Approved Items Allowable for Sale

Vendors may only offer these pre-approved items for sale from a vending cart or kiosk:

1. Tourist or traveler convenience items:

- Weather-related supplies: umbrellas, scarves, hats, gloves, ponchos
- Convenience toiletries such as toothpaste, toothbrushes, hand soap, etc.
- Over-the-counter medicines such as aspirin, ibuprofen, antacid, etc.
- Cell phone accessories such as chargers, batteries, minute cards, etc.
- 3rd-party produced souvenirs celebrating Atlanta landmarks, institutions, or city icons

2. Third Party published, non-explicit materials: periodicals, newspapers, maps

3. Non-alcoholic Beverages – water and other beverages, plastic or aluminum sealed single serve containers (no glass)

4. Prepared Food: ONLY AT FOOD CARTS

- Foods or beverages that are heated, handled or prepared on site and require approval from the Fulton County Department of Health & Wellness.
- Vendors must have a cart and commissary approved and permitted by Fulton County.

Pre-packaged Food: AT KIOSKS, RETAIL CARTS

- Fresh, unprocessed fruit and vegetables (no slicing, preparing, freezing, etc.).
- Single serve sealed package foods (candy, popsicles, chips/bagged snacks);
- Non-alcoholic beverages only (see item 3)
- Allowed at Food Carts along with prepared food.

5. Spirit Merchandise

- Licensed brand merchandise or merchandise branded with Atlanta, sport teams, or iconic Atlanta institutions
- Must obtain full approvals of organization for merchandise sold; proof of agreement will be required at time of permitting and must be maintained on site at vending location
- Allowable merchandise limited to: shirts, hats, scarves, gloves

6. Cut Flowers, single-stem or bunched

7. Seasonal and Holiday items

If the item or service does not conform (e.g. tobacco products, lottery tickets, handbags, jewelry, hair, incense, apparel that is not classified as "spirit merchandise" or "weather-related merchandise"), it shall be considered prohibited for sale by public right of way vendors. Vending these prohibited items will be considered a citable offense.

Other Vending Operational Rules

- Hours of Operation shall be between 7:00am to 12:00am
- Amplified sound must comply with City of Atlanta Noise Ordinance
- All vendors shall display their valid vending permit and licenses at location

Point of Sale System Requirement

All vendors are required to have auditable point-of-sale system to track and report on sales revenue and appropriate taxation in compliance with State law. This requirement allows the City to fairly and consistently apply state law and reliably collect and account for tax revenues.

Littering

All vendors engaged in the sale of pre-packaged food, non-alcoholic pre-packaged beverages, prepared food, and/or prepared non-alcoholic beverages shall affix to their vending cart, or motor vehicle, or shall locate directly outside the kiosk, food truck, or motor vehicle a receptacle for trash, which shall be maintained and emptied regularly, and which shall be marked as being for trash. Vendors engaged in the sale of items permissible for sale listed in this section are responsible for the removal of trash within a 25-foot radius surrounding the vending cart, kiosk or food truck.

Enforcement of Policy and Revocation of Permit

Failure to comply with any provisions of the ordinance that result in the finding of a violation will be penalized, as follows:

- **First violation:** fine of up to \$100
- **Second violation:** minimum fine of \$100, up to \$1000 and/or suspension, up to revocation of permit
- **Third violation** within a 24-month period: revocation of permit

Any appeals against APD enforcement will be managed through existing License Review Board (LRB) procedures. More information on LRB procedures can be found at [City of Atlanta Code Section 30-26].

Questions related to **enforcement or to report a violation:**

*Atlanta Police Department, (404) 546-4470. **For any violation causing an immediate public safety threat, please call 911 to have an officer dispatched to the scene.***

Appendix A: Cart Guidelines

Site Requirements for Vending Carts

Vending can only take place in the location permitted for and assigned by the City of Atlanta, and should follow the following site requirements:

1. No vending may occur from midnight (12:00 a.m.) to 7:00 a.m.;
2. Operating area shall not exceed 28 square feet of sidewalk, including the area of the vending cart, and, when externally located, the operator and trash receptacle;
3. Vending cannot occur within 15 feet of street intersection/pedestrian walkway, 15 feet of building entrance/exit or 50 feet of hotel/motel;
4. Vending cannot occur within 15 feet of other vending locations;
5. Vending cannot occur within 200 feet of permanent business selling same or similar product;
6. There must be a minimum of 5 feet unobstructed pedestrian space;
7. No vending location shall be within 15 feet of a fire hydrant;
8. No vending location shall be within 600 feet of the closest property line of any public or private elementary, middle or high school;
9. Vending operations cannot obstruct vehicular traffic flow, except for up to 15 minutes to load and unload vending stations and vending merchandise;
10. Individuals engaged in food vending must provide access to litter and recycling receptacles which shall be maintained and emptied regularly (not into City trashcans);
11. Vendors may not leave the vending cart unattended on a sidewalk, or allow a vending cart to remain on the sidewalk between midnight (12:00 a.m.) and 7:00 a.m.;
12. Vendors must vend from their designated locations during the timeframes stated in the vending application packet.

Appendix B: FAQs

What is the difference between the Public Vending Program for Motor Vehicles, Carts & Kiosks and Food Trucks and Private Property Vending?

The City of Atlanta permits certain types of vending activity to occur in the public right of way. Permitted Motor Vehicles (Rolling Stores) selling pre-packaged food items, such as ice cream, can operate from City streets if they stop for 30 minutes or less and abide by other location and noise regulations. Visit www.atlantaga.gov/vending for application info.

The City permits vending opportunities within City sidewalks, plazas and parks through designated locations for mobile vending carts and City-owned kiosks. The City's Public Property Food Truck Ordinance allows for motorized food trucks to park at certain designated food truck areas. All those locations require a permit and currently all are in the downtown area. Visit www.atlantaga.gov/vending for specific location and application information. Private Property Vending is any vending activity that occurs on private property or at flea markets. The Private Property Vending permitting process is administered by the Atlanta Police Department, through the License & Permits Unit. Visit the [website](#) or call the License and Permit Unit Hotline at 404-546-4470 for more information.

Do I have to apply for my vending permit in person?

Yes. All vending permit applications will need to be submitted in person. Renewal applicants start by renewing the business license online and have to come in person to submit the application and payment to the Office of Revenue and visit Atlanta Police Department for background check and a new Vendor Permit Card.

Do I have to complete a background check and finger printing every year?

A background check must be completed by the Atlanta Police Department's License & Permit Unit every year for all permit renewals. Finger printing is only required for initial permits.

Do assistant vendors who are working in and/or operating a vending cart or kiosk need to be permitted through the City of Atlanta?

No. For public property vending only the operator of the cart or kiosk must be permitted; however, the permitted operator is solely responsible and liable for the operations of the permitted location. If a violation occurs when a staff member who is not permitted is working or operating the cart or kiosk, the permitted operator will be cited.

Once I am awarded a location in a vending lottery, how long do I retain access to the location?

Once awarded, vendors who remain in good standing with the City and complete all permit renewal processes (including payment of fees) on time, will retain the rights to their designated locations. IF a vendor does not complete the necessary process to renew their permit by March 1st, or if the vendor is not in good standing with the City, the vendor will forfeit their rights to the vending location and it will be returned to the lottery.

Do I need multiple Vending Permits or Business Licenses to vend from multiple locations?

Yes. If you are vending from multiple designated locations, a separate business license and Public Vending Permit are required for each location.

What are the deadlines for renewals?

Vendors must submit renewal applications before March 1st.

What are the deadlines for payment?

To receive a valid vending permit, all vendors must pay the full amount of application (\$145) and maintenance fees (\$2500, kiosk vendors only) at the time of the application. Vendors who are not able to pay all fees at time of application (within 30 days of the location being awarded), will have their application forfeited and the location will be returned to the lottery or released to an alternate vendor.

Who enforces the City's Right of Way Vending Ordinance?

The City's Right of Way Vending Ordinance is monitored and enforced by the Atlanta Police Department. Business license and tax violations will be enforced by the Office of Revenue in partnership with the Police Department.

How does the lottery process work?

Please see previous pages of the application packet for more detail.

What is the deadline for entering the lottery?

Individuals or businesses interested in entering a lottery, must register for the lottery between January 18th and March 1st. Registration will be available at www.atlantaga.gov/vending or request a link by emailing vending@atlantaga.gov, or request a hard copy by calling 404-303-6121. Vendors must be present or have an approved designee on site for selection. If a designee is present, there will not be time allocated to use a substitute to call the vendor and determine the preferred site selection.

How often are lotteries held?

There is no predetermined schedule for vending lotteries. At a minimum, there will be a lottery at the start of the vending year (March) to release any previously permitted vending locations where the prior vendor does not renew. Once a lottery date is set, all vendors who have submitted their contact details to the City will be notified at least two weeks prior to the date of the lottery to register.

What are the responsibilities of the City to maintain City-owned kiosks?

The \$2500 annual maintenance fee ensures that the City of Atlanta will be responsible for maintaining the exterior of the City owned kiosks. This includes maintenance needs such as electrical or lighting problems, painting and general repairs. The City will also cover electricity costs of kiosks. Vendors are responsible for maintaining the locks on all kiosks and ensuring the kiosks are in a good state of repair. The City of Atlanta is not liable for any damage to or theft of vending merchandise caused by a break-in or other malfunction of kiosks locks. If there are general maintenance issues in your kiosk, please email vending@atlantaga.gov or call Vence Williams at 404-304-1752 and we will ensure that the appropriate office is notified of the issue.

Who will pay for the electricity for City owned kiosks?

Electricity in city owned kiosks will be paid for by the City of Atlanta as part of the \$2500 maintenance fee.

Can I submit a request to the City to add additional locations for Public Property Vending?

There are no plans to expand the program currently. However, requests for new locations can be made and held on file. All locations must be reviewed and approved by the Department of City Planning, and the Office of Public Works before they are submitted to the Atlanta City Council for legislative approval. Requests should be sent to vending@atlantaga.gov.

CONTACTS:

Public Right of Way Vending, Lottery & Location Verification:

Kayla Ryan, Economic Development, DCP
55 Trinity St., SW, Suite 3500, Atlanta, GA 30303
vending@atlantaga.gov
404-303-6121

Permit Application, Business License & Fees:

Office of Revenue
55 Trinity Ave, SW, Suite 1350, Atlanta, GA 30303
biztax@atlantaga.gov
ATL311 at 404-330-6270

Background Check & Private Property Vending:

Officer Loreatha Cannon, Atlanta Police Department – License & Permits Unit
3493 Donald Lee Hollowell Pkwy, Atlanta, GA 30331
LCannon@AtlantaGa.Gov
404-546-4470

Fulton County Health Dept. Approval:

Ed Smith, Fulton County Board of Health, Environmental Health Services
10 Park Place South, SE, Suite 418, Atlanta, GA 30303
Edward.Smith@fultoncountyga.gov
404-612-1808

Georgia Department of Agriculture:

<http://agr.georgia.gov/retail.aspx>, 404-656-3627

Who do I call if I have other questions about the Vending Program?

General questions or to request a new location be added to the program:	Department of City Planning Economic Development Division vending@atlantaga.gov 404-330-6121
Questions related to application payment or fee waivers for disabled veterans:	Office of Revenue 404-330-6270
Questions related to enforcement or to report a violation:	Atlanta Police Department 404-546-4470 <i>If the issue creates an immediate threat to public safety, please contact 911</i>